

ZB# 95-46

Jose Perez

15-8-13.211

Fullin,

Aug. 14, 1995

Copy of:

① Deed 4

② Title Report 4

③ Fee: ① 50,000
② 300,000 Est.

④ Photos - here 4

Notice to Sentinel

on 8/17/95.

Letter out 8/28/95.

Public Hearing:

Sept. 11, 1995.

Area Variance

Granted

Refund: * 203.00

#95-46 - Perez, Jose

15-8-13.211

15-8-13.211

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, NY 12550

GENERAL RECEIPT

14963

Aug. 28 1995

Received of Jose L. Perez

\$ 50.00

Fifty 00/100 DOLLARS

For ZBA # 95-46

DISTRIBUTION:

FUND	CODE	AMOUNT
Ch # 1240		50.00

By Dorothy H. Hansen

Town Clerk

Title

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FUND	CODE	AMOUNT
Ch-# 1240		50.00

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By Dorothy H. Hansen

Town Clerk
Title



[illegible]

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Perez, JoseFILE # 95-46RESIDENTIAL: \$ 50.00

COMMERCIAL: \$150.00

INTERPRETATION: \$150.00

AREA ☒USE ☐APPLICATION FOR VARIANCE FEE \$ 50.00

* * * * *

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 300.00

DISBURSEMENTS -

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING - PER PAGE	<u>8/14/95 - 4 pages</u>	\$ <u>18.00</u>
2ND PRELIM. MEETING - PER PAGE	<u>9/7/95 - 2 pages</u>	\$ <u>9.00</u>
3RD PRELIM. MEETING - PER PAGE		\$ <u> </u>
PUBLIC HEARING - PER PAGE		\$ <u> </u>
PUBLIC HEARING (CONT'D) PER PAGE		\$ <u> </u>
TOTAL		\$ <u>27.00</u>

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING:	<u>8/14/95</u>	\$ <u>35.00</u>
2ND PRELIM.	<u>9/11/95</u>	\$ <u>35.00</u>
3RD PRELIM.		\$ <u> </u>
PUBLIC HEARING		\$ <u> </u>
PUBLIC HEARING		\$ <u> </u>
TOTAL		\$ <u>70.00</u>

MISC. CHARGES:

	\$ <u> </u>
TOTAL	\$ <u>97.00</u>

LESS ESCROW DEPOSIT . . .	\$ <u>300.00</u>
(ADDL. CHARGES DUE) . . .	\$ <u> </u>
REFUND DUE TO APPLICANT .	\$ <u>203.00</u>

(ZBA DISK#7-012192.FEE)



Jose L. Perez
85 Blanche Ave.
New Windsor, NY 12553

29-1
213

1240

8/28

95

Pay to
the order of

TOWN OF NEW WINDSOR

\$ 50.00

FIFTY AND 00/100

Dollars



Memo #95-46-ZBA

Jose L Perez

⑆02⑆3000⑆9⑆ 59⑆50 405⑆0⑆ 1240



Jose L. Perez
85 Blanche Ave.
New Windsor, NY 12553

29-1
213

1241

8/28

95

Pay to
the order of

TOWN OF NEW WINDSOR

\$ 300.00

THREE HUNDRED AND 00/100

Dollars



Memo #95-46-ZBA

Jose L Perez

⑆02⑆3000⑆9⑆ 59⑆50 405⑆0⑆ 1241

-----X
In the Matter of the Application of

JOSE PEREZ,

DECISION GRANTING
AREA VARIANCE#95-46.

-----X

WHEREAS, JOSE PEREZ, 85 Blanche Avenue, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for an 8 ft. rear yard variance for an existing deck located at the above address in an R-4 zone; and

WHEREAS, a public hearing was held on the 11th day of September, 1995, before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, applicant appeared himself for this proposal; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke and there was no opposition to the application before the Board; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence presented by the applicant showed that:

(a) This property is a one-family home located in a neighborhood of one-family homes.

(b) The property is unique in that immediately behind the home the property becomes very steep and is, as a practical matter, unusable and impassable.

(c) The view of the deck for which this variance is sought is screened and buffered so as to substantially prohibit its view from any neighboring property.

(d) The deck is existing and is substantial and cannot easily be moved or relocated.

(e) The set back required by the Zoning Code is 35 ft. and the applicant is seeking an 8 ft. variance. Most of the one-family homes in the neighborhood have similar decks attached to them.

(f) It is physically possible to place the deck on the side of the house without obtaining a variance but it would thereby become visible to the neighbors and is a less desirable

location.

(g) The deck has been in existence for some time without complaint or comment by the neighbors or any other person.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law in this matter:

1. The requested variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to applicant which can produce the benefit sought other than through the variance procedure.

3. The variance requested is not substantial.

4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the applicant faces in conforming to the bulk regulations is self-created but should be granted because granting such variance will enhance the value of the property and therefore also the value of other properties in the neighborhood and because of the particular topographical construction of the property.

6. It is the finding of this Board that the benefit to the applicant, if the requested area variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.

7. It is the further finding of this Board that the requested area variance is appropriate and is the minimum variance necessary and adequate to allow the applicant relief from the requirements of the Zoning Code and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variance.

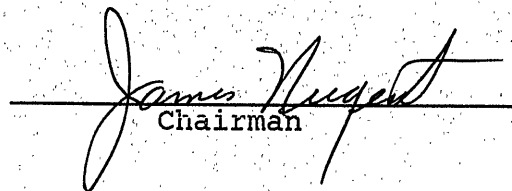
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT an 8 ft. rear yard variance for an existing deck at the above address, in an R-4 zone, as sought by the applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: November 13, 1995.


Chairman

(ZBA DISK#13-110695.JP)

Date 10/2/95, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth 147 Sycamore Drive DR.
New Windsor, NY 12553

DATE			CLAIMED	ALLOWED
9/1/95	Zoning Board Meeting		75.00	
	Misc - 2			
	Savino - 4 - \$18.00			
	Hinkson - 9 40.50.			
	Spies - 4 18.00			
	Llanusa - 3 13.50.			
	Belle - 11 49.50			
	Rhodes - 13 58.50.			
	Greer - 17 76.50			
	Perez - 2 9.00		292.50	
	65 pgs			
			367.50	

PEREZ, JOSE

MR. NUGENT: Request for 8 ft. rear yard variance for existing deck at 85 Blanche Avenue in R-4 zone.

Mr. Jose Perez appeared before the board for this proposal.

MR. NUGENT: Let the record show that there is no one in the audience.

MR. PEREZ: This is the one that has a steep piece of property, I brought some nice pictures to see. The deck is my rear. As I spoke last time, really I don't know, you know, when the lot was approved, whatever, I mean, how you could do anything to the property they had, I gather if I am not--what's the frontage that is needed usually?

MR. BABCOCK: 35 feet.

MR. PEREZ: Based on mine, I was allowed 29 based on 200 feet property near me or whatever, I mean if I needed 35, I would have only had 30 feet to the back and I would have had no room whatsoever for any type of deck and I would unfortunately be the only house in the whole neighborhood that wasn't able to have a deck.

MR. KRIEGER: Do most of the houses or many of the other houses have decks?

MR. PEREZ: My father built every house there so every house has a deck.

MR. KANE: Moving the deck anyplace in your rear yard off the house would require a variance?

MR. PEREZ: Put it to the side, that gave me the most room, if I went to the other side of the house, that is where I only have 40.6 feet, I went to the side that had more.

MR. KANE: This is less than you are required?

MR. PEREZ: The less and to the side, I believe it's 15

feet and I have 16 so I couldn't do anything to the side and as far as I was always concerned putting a deck behind the house is better for the neighborhood than putting it to the side.

MR. KRIEGER: Right after that the property has a sharp rise?

MR. PEREZ: It goes right up, it's like a cliff almost it's just grown up with greenery or whatever but it's a steep incline and basically it's really the only way to enjoy the back property is to have a deck because other than that you really don't have any use for it, I think Mr. Reis even showed the house once.

MR. REIS: Yes.

MR. PEREZ: It's a beautiful house, just the property is not the nicest but beggars can't be choosers, I guess.

MR. REIS: Entertain a motion?

MR. NUGENT: Yes, unless you have anymore questions.

MR. REIS: I'd like to entertain a motion that we grant Mr. Perez his variance for the rear yard.

MR. KANE: Second it.

ROLL CALL

MR. KANE	AYE
MR. LANGANKE	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE
MR. REIS	AYE

Prelim.
Aug. 14, 1995
7:30 p.m.
95-46

OFFICE OF THE BUILDING INSPECTOR - TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: JULY 28, 1995

APPLICANT: JOSE PEREZ
85 BLANCHE AVENUE
NEW WINDSOR, N.Y. 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED: JULY 28, 1995

FOR (BUILDING PERMIT): EXISTING 12FT. X 20FT. REAR DECK.

LOCATED AT: 85 BLANCHE AVENUE

ZONE: R4

DESCRIPTION OF EXISTING SITE: SECTION: 15, BLOCK: 8, LOT: 13.211
ONE FAMILY HOUSE

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. INSUFFICIENT REAR YARD SET-BACK.

Frank J. Lisi
BUILDING INSPECTOR

REQUIREMENTS	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE: R-4 USE G10		
MIN. LOT AREA		
MIN. LOT WIDTH		
REQ'D FRONT YD		
REQ'D SIDE YD		
REQ'D TOTAL SIDE YD		
REQ'D REAR YD. 40FT.	32FT.	8FT.

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT
914-563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD

CC: Z.B.A., APPLICANT, B.P. FILES.

-
IMPORTANT
REQUIRED INSPECTIONS OF CONSTRUCTION - YOU MUST CALL FOR THESE

OTHER INSPECTIONS WILL BE MADE IN MOST CASES, BUT THOSE LISTED BELOW MUST BE MADE OR CERTIFICATE OF OCCUPANCY MAY BE WITHHELD. DO NOT MISTAKE AN UNSCHEDULED INSPECTION FOR ONE OF THOSE LISTED BELOW. UNLESS AN INSPECTION REPORT IS LEFT ON THE JOB INDICATING APPROVAL OF ONE OF THESE INSPECTIONS, IT HAS NOT BEEN APPROVED, AND IT IS IMPROPER TO CONTINUE BEYOND THAT POINT IN THE WORK. ANY DISAPPROVED WORK MUST BE REINSPECTED AFTER CORRECTION.

1. WHEN EXCAVATING IS COMPLETE AND FOOTING FORMS ARE IN PLACE (BEFORE POURING).
2. FOUNDATION INSPECTION. CHECK HERE FOR WATERPROOFING AND FOOTINGS DRAINS.
3. INSPECT GRAVEL BASE UNDER CONCRETE FLOORS, AND UNDERSLAB PLUMBING.
4. WHEN FRAMING IS COMPLETED, AND BEFORE IT IS COVERED FROM INSIDE, AND PLUMBING ROUGH-IN.
5. INSULATION.
6. PLUMBING FINAL & FINAL HAVE ON HAND ELECTRICAL INSPECTION DATA AND FINAL CERTIFIED PLOT PLAN. BUILDING IS TO BE COMPLETED AT THIS TIME. WELL WATER TEST REQUIRED AND ENGINEERS CERTIFICATION LETTER FOR SEPTIC SYSTEM REQUIRED.
7. DRIVEWAY INSPECTION MUST MEET APPROVAL OF TOWN HIGHWAY INSPECTOR. A DRIVEWAY BOND MAY BE REQUIRED.
8. \$20.00 CHARGE FOR ANY SITE THAT CALLS FOR THE INSPECTION TWICE.
9. PERMIT NUMBER MUST BE CALLED IN WITH EACH INSPECTION.
10. THERE WILL BE NO INSPECTIONS UNLESS YELLOW PERMIT CARD IS POSTED.
11. SEWER PERMITS MUST BE OBTAINED ALONG WITH BUILDING PERMITS FOR NEW HOUSES.
12. SEPTIC PERMIT MUST BE SUBMITTED WITH ENGINEER'S DRAWING & PERC TEST.
13. ROAD OPENING PERMITS MUST OBTAINED FROM TOWN CLERKS OFFICE.
14. ALL BUILDING PERMITS WILL NEED A CERTIFICATION OF OCCUPANCY OR A CERTIFICATE OF COMPLIANCE AND THERE IS A FEE FOR THIS

Name of Owner of Premises..... JOSE PEREZ (WORK)
Address..... 85 BLANCHE AVE NEW WINSDOR N.Y. Phone..... 914-562-1830 561-7600
Name of Architect
Address Phone.....
Name of Contractor..... ANARES PEREZ BUILDERS

Address.....Phone.....

State whether applicant is owner, lessee, agent, architect, engineer or builder.....

If applicant is a corporation, signature of duly authorized officer.....

X Jose Perez
(Name and title of corporate officer)

1. On what street is property located? On the E. side Blanche Ave Side of BLANCHE AVE
(N.S.E.or W.)
and.....feet from the intersection of.....
2. Zone or use district in which premises are situated.....Is property a flood zone? Yes.....No ☒
3. Tax Map description of property: Section 15 Block 8 Lot 13, 211
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
a. Existing use and occupancy RESIDENTIAL - DECK b. Intended use and occupancy JANE
5. Nature of work (check which applicable): New Building..... Addition..... Alteration..... Repair.....
Removal..... Demolition..... Other existing deck
6. Size of lot: Front Rear 112.5 Depth 100 Front Yard..... Rear Yard..... Side Yard.....
Is this a corner lot? NO
7. Dimensions of entire new construction: Front..... Rear..... Depth..... Height..... Number of stories.....
8. If dwelling, number of dwelling units..... Number of dwelling units on each floor.....
Number of bedrooms..... Baths..... Toilets.....
Heating Plant: Gas..... Oil..... Electric/Hot Air..... Hot Water.....
If Garage, number of cars.....
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use NA
10. Estimated cost..... Fee.....
(to be paid on this application)
11. School District.....

Used VARIANCE

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.

TOWN OF NEW WINDSOR, ORANGE COUNTY, N. Y.

Examined.....19.....
Approved.....19.....
Disapproved a/c.....
Permit No.

Office Of Building Inspector
Michael L. Babcock
Town Hall, 555 Union Avenue
New Windsor, New York 12550
Telephone 565-8807

Refer —
Planning Board.....
Highway.....
Sewer.....
Water.....
Zoning Board of Appeals

APPLICATION FOR BUILDING PERMIT

Pursuant to New York State Building Code and Town Ordinances

Date.....19.....

INSTRUCTIONS

- a. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- b. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
- c. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- d. The work covered by this application may not be commenced before the issuance of a Building Permit.
- e. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- f. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

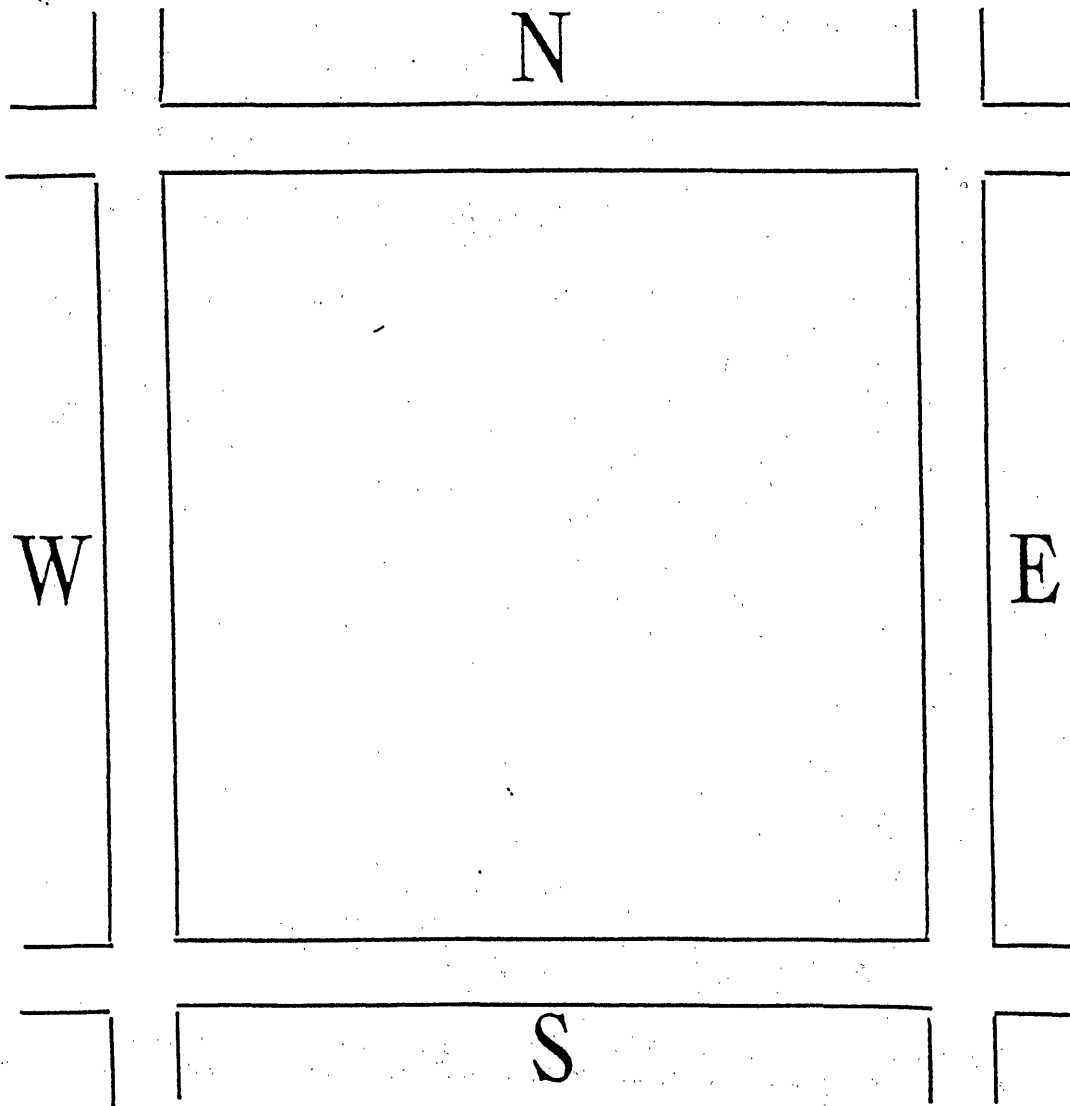
APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions or alterations, or for removal or demolition or use of property, as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

.....
(Signature of Applicant)

.....
(Address of Applicant)

PLOT PLAN

NOTE: Locate all buildings and indicate all set-back dimensions.
Applicant must indicate the building line or lines clearly and distinctly on the drawings.



Date 9/6/95, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Francis Roth 147 Sycamore Dr DR.
New Windsor NY 12553

DATE			CLAIMED	ALLOWED
8/4/95		Zoning Board Meeting	75 00	
		Misc. 2		
		Corcoran - 8		
		Perez - 4 18.00		
		McB - 7		
		Rhodes - 8		
		K.W.G. - 5		
		<u>34</u>	153 00	
			<u>278 00</u>	

PEREZ, JOSEPH

MR. NUGENT: Request for 8 ft. rear yard vairance for existing deck at 85 Blanche Avenue in R-4 zone.

Mr. Joseph Perez appeared before the board for this proposal.

MR. PEREZ: I have an existing deck on my house which is 12 feet by 20 feet. I called up the building inspector to apply for a building permit, it was denied because I didn't have enough rear yardage clearance, I was unaware that 40 feet was required. I have approximately 32 feet. I brought some pictures here, I brought a copy of the plot plan, if you need that showing where the deck is in conjunction with the house and I'm applying for a variance for the eight foot rear yard.

MR. KANE: How long has the deck been up?

MR. PEREZ: 1987, so it has been up for eight years. I have to show you actually you have to look at pictures of the property because--

MR. NUGENT: You can show them to us.

MR. PEREZ: Without the deck, I mean, I have four young children and the way the property is, there really isn't anywhere for them to play, other than the deck or whatever. That is a picture of the deck there cause there's a big sloping hill which comes right into the back of the property, you can see in this picture here so there really isn't any back yard. As you can see from different views of the picture, you can, you know the home, you can't see a house from any side. The deck is completely concealed to any neighbors, to one side, there's a hill that slopes around the back of the house and on the other side, there is a trailer set way down so it is, the deck is not visible, it's not like it's on top of another neighbor's back yard or something like that.

MR. KANE: You owned the home when the deck was built?

MR. PEREZ: Yes, I did. Unfortunately, at that time, I didn't even think I was anywhere near it. I knew I thought it was 15 feet or something like that, not aware that it was 40 feet and if you know Ducktown at all, these are the newer houses which were built next to Ducktown, there's houses that decks are right on the road, they are right off the back, but I guess those are all pre-1965 houses, so they didn't have to meet. I also have, if you look at a copy of the plot plan, this is where the deck is and I had the survey or draw a line where the 40 feet would come if I had a deck, it would only be about four feet out and there isn't much of a deck that you can put on a house that only comes out four feet. There's a little bit more footage to the corner, this corner over here but as you can see over here because of the 40 feet didn't really leave me any room to put anything off the back and there's about a two foot drop out the patio door.

MR. KANE: The other homes in your area all have decks?

MR. PEREZ: Every home has a deck, yeah, every home has a deck, every house on that newer section has a deck in the back of it but actually, you know, cause from those decks, everybody can see everybody and wave to 'em. When you're sitting on my deck, you cannot see anybody. It's completely concealed. But again, the main purpose of me building a deck like that was so that the kids could go out the back patio door, I mean they got their toys set up just to go out there and play. They've got the kitchen set and stuff out there and I mean two year olds and so forth, if they were to go out the side or whatever, there's an incline like this, just runs down to the road, it's too dangerous. So we put the deck and I put a gate across so they can't get out or whatever.

MR. KANE: Entertain a motion?

MR. NUGENT: Yes.

MR. KANE: I move we set up Mr. Perez for his public hearing on his requested eight foot rear yard variance at 45 Blanche Avenue.

August 14, 1995

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MR. REIS: Second it.

ROLL CALL

MR. KANE AYE

MR. LANGANKE AYE

MR. REIS AYE

MR. NUGENT AYE

MS. BARNHART: Can we keep these for our file?

MR. PEREZ: Sure.

MR. KRIEGER: When you come back, the Zoning Board must decide in accordance to criteria set forth in the state law this is a list of the criteria, if you'd address yourself to those as you make your presentation.

MR. PEREZ: Okay.

MR. KRIEGER: It's mandated by state law. It's not, it's a requirement that is made on the board, not of their own.

MR. PEREZ: Thank you very much.

MR. KRIEGER: If you would bring a copy of your deed and copy of your title policy with you.

MR. PEREZ: Homeowner's?

MR. KRIEGER: When did you buy the property?

MR. PEREZ: 1986.

MR. KRIEGER: Title policy, you should have gotten that at the time. It's not the same as homeowners insurance.

MR. PEREZ: Does the Orange County deed do that? Like abstract company does the title search?

MR. KRIEGER: Yes, exactly.

MR. PEREZ: Well, I'll call up and see if I can get a

August 14, 1995

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copy of that. I don't remember having that in my papers or whatever.

MR. KRIEGER: I need to look at them, not keep them.

MR. PEREZ: All right, thank you very much.

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR
COUNTY OF ORANGE : STATE OF NEW YORK

-----x
In the Matter of Application for Variance of

Vase Perez

Applicant.

AFFIDAVIT OF
SERVICE
BY MAIL

95 46.

-----x
STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age
and reside at 7 Franklin Avenue, New Windsor, N. Y. 12553.

On August 28, 1995, I compared the 67 addressed
envelopes containing the attached Notice of Public Hearing with
the certified list provided by the Assessor regarding the above
application for variance and I find that the addressees are
identical to the list received. I then mailed the envelopes in a
U. S. Depository within the Town of New Windsor.

Patricia A. Barnhart
Patricia A. Barnhart

Sworn to before me this
28th day of August, 1995.

Deborah Green
Notary Public

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4984065
Commission Expires July 15, 1997

(TA DOCDISK#7-030586.AOS)



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

(67)

August 3, 1995

Jose Perez
85 Blanch Ave
New Windsor NY 12553

Re: Tax map Parcel # 15-8-13.211

Dear Mr. Perez:

According to our records, the attached list of property owners are within five hundred (500) feet of the above-referenced property.

The charge for this service is \$85.00, minus your deposit of \$25.00.

Please remit the balance of \$60.00 to the Town Clerk's office.

Sincerely,

Leslie Cook (signature)

LESLIE COOK
Sole Assessor

/ev

Attachment

cc: Pat Barnhart ✓

Dean T Vanzandt
38 Cedar Ave
New Windsor NY 12553

Lillian K Maley
40 Cedar Ave
New Windsor NY 12553

Zygmunt & Stella Orzechowski
61 Blanche Ave
New Windsor NY 12553

Ms. Linda L Gandolfini Cox
PO Box 83
Valley Forge PA 19481

Johanna C & Lawrence C Jr Mowery
69 Bradford Ave
New Windsor NY 12553

William J Furchak
63 Blanche Ave
New Windsor NY 12553

Mans Brothers Realty Inc.
PO Box 247
Vails Gate NY 12584

Charles & Anna Simanoski
15 Bradford Ave
New Windsor NY 12553

Cosmo & Stephanie Yonnone
67 Myrtle Ave
New Windsor NY 12553

Leroy & Rose Marie Standford
53 Melrose Ave
New Windsor NY 12553

Barbara Booth & Dolores Ann Mannix & John Konrad
49 Melrose Ave
New Windsor NY 12553

George & Donna Kirk
45 Melrose Ave
New Windsor NY 12553

Angela Monteleone
37 Melrose Ave
New Windsor NY 12553

Jeffrey & Frances Kirk
46 Melrose Ave
New Windsor NY 12553

Dolores Kissam
17 Bradford Ave
New Windsor NY 12553

Estelle & Agnew Warren
100 Blanche Ave
New Windsor NY 12553

Charles & Jane Baranski
106 Blanche Ave
New Windsor NY 12553

Christopher & Lynne Lombardo
52 Cedar Ave
New Windsor NY 12553

Anthony & Arlene Yonnone
56 Cedar Ave
New Windsor NY 12553

David & Roberta Short
87 Blanche Ave
New Windsor NY 12553

Joseph Antonelli
77 Melrose Ave
New Windsor NY 12553

Alfred & Estelle Ortenzo
75 Melrose Ave
New Windsor NY 12553

William & Carol Hoyer
71 Melrose Ave
New Windsor NY 12553

Anthony & Dolores Gerbes
69 Melrose Ave
New Windsor NY 12553

Richard & Wendy Gerbes
59 Melrose Ave
New Windsor NY 12553

Thomas J III & Cathy Freeman
79 Melrose Ave
New Windsor NY 12553

Gary & Joanne Phillips
110 Blanche Ave
New Windsor NY 12553

Andrew & Geraldine Masten
26 Goodman Ave
New Windsor NY 12553

Edward & Helen Simanoski
56 Melrose Ave
New Windsor NY 12553

Calvary Cemetary
Church of St. Patrick
55 Grand St
Newburgh, NY 12550

Thomas & Kathleen Coffey
14 Goodman Ave
New Windsor NY 12553

John Mullarkey
16 Goodman Ave
New Windsor NY 12553

Donald & Edith Smith
24 Goodman Ave
New Windsor NY 12553

Susan Olympia
58 Melrose Ave
New Windsor NY 12553

William & Marie D'Amico
64 Melrose Ave
New Windsor NY 12553

Dominick & Lorence D'Egidio
68 Melrose Ave
New Windsor NY 12553

Arthur & Eileen Smith
76 Melrose Ave
New Windsor NY 12553

Lynn Loger
89 Lawrence Ave
New Windsor NY 12553

Stanley J Fornal Jr.
Lawrence Ave
New Windsor NY 12553

Dennis & Rivera Lebron
349 Huckleberry Tpk
Plattekill NY 12553

William & Marie D'Amico
73 Lawrence Ave
New Windsor NY 12553

Barbara & Dennis Russell
55 Melrose Ave
New Windsor NY 12553

Joseph & Kathleen O'Brien
111 Blanche Ave
New Windsor NY 12553

Edward & Catherine Elias
113 Blanche Ave
New Windsor NY 12553

Anthony & Kimberly Ricci
115 Blanche Ave
New Windsor NY 12553

William & Geraldine O'Connell
117 Blanche Ave
New Windsor NY 12553

Joseph & Karen Micheletti
119 Blanche Ave
New Windsor NY 12553

Humberto & Linda Alvarez
121 Blanche Ave
New Windsor NY 12553

Robert & Deborah Quattrociochi
118 Blanche Ave
New Windsor NY 12553

Robert & Jo Ann Hilfiger
116 Blanche Ave
New Windsor NY 12553

Richard & Dorothy Urbanian
114 Blanche Ave
New Windsor NY 12553

Joseph & Patricia O'Brien
112 Blanche Ave
New Windsor NY 12553

Franklin & Rachelle Critelli
2 Bradford Terrace
New Windsor NY 12553

Filomena Cantoli
27 Valewood Dr
New Windsor NY 12553

George Friedle
8 Bradford Terrace
New Windsor NY 12553

James & Isabel Rapp
10 Bradford Terrace
New Windsor NY 12553

Kenneth & Karen Bergin
9 Veronica Ave
New Windsor NY 12553

James & Catherine Lima
7 Veronica Ave
New Windsor NY 12553

Nan Gill
55 Cedar Ave
New Windsor NY 12553

Clifford & Patricia Budney
12-14 Veronica Ave
New Windsor NY 12553

Vincent Nicastrì
75 Cedar Ave
New Windsor NY 12553

Charles & Madeline Phillips
73 Cedar Ave
New Windsor NY 12553

James & Edna Lynch
71 Cedar Ave
New Windsor NY 12553

John & Kathleen Farrenkopf
69 Cedar Ave
New Windsor NY 12553

Anniballi Family Trust
c/o Richard & Wilma Anniballi, Trustees
20 Veronica Ave
New Windsor NY 12553

Donald & Karen Arias
65 Cedar Ave
New Windsor NY 12553

Hubert & Susanna McQuiston
63 Cedar Ave
New Windsor NY 12553

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

95-46

Date: 8/14/95.

I. Applicant Information:

- (a) Dorez, Jose - 85 Blanche Ave. New Windsor, NY.
(Name, address and phone of Applicant) (Owner)
- (b) -
(Name, address and phone of purchaser or lessee)
- (c) -
(Name, address and phone of attorney)
- (d) -
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
- ☒ Area Variance ☐ Interpretation

III. Property Information:

- (a) R-4. 85 Blanche Ave. 15-8-13.211 100X112.50
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? -
- (c) Is a pending sale or lease subject to ZBA approval of this application? No
- (d) When was property purchased by present owner? 1987
- (e) Has property been subdivided previously? Yes
- (f) Has property been subject of variance previously? No
If so, when? -
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? No
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: N/A
-
-
-
-

IV. Use Variance. N/A.

- (a) Use Variance requested from New Windsor Zoning Local Law, Section -, Table of - Regs., Col. -, to allow:
(Describe proposal) -
-
-
-
-

N/A
 (b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes _____ No X.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/Bulk Regs., Col. 6.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. _____	_____	_____
Reqd. Rear Yd. <u>40 ft.</u>	<u>32 ft.</u>	<u>8 ft.</u>
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

* Residential Districts only

** No-residential districts only

* (b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

NEITHER AN UNDESIRABLE CHANGE WILL BE PRODUCED NOR WILL IT BE A DETRIMENT TO NEARBY PROPERTIES. NO OTHER METHOD IS AVAILABLE OTHER THAN AN AREA VARIANCE. THE VARIANCE REQUESTED IS NOT SUBSTANTIAL. THE PROPOSED VARIANCE WILL NOT HAVE A PHYSICAL OR ENVIRONMENTAL IMPACT.

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: N/A

(a) Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
	_____	_____	_____

(b) ^{N/A} Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

(c) ^{N/A} What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation. N/A

(a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

(b) Describe in detail the proposal before the Board:

* VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

(b) Variance: Granted (___) Denied (___)

(c) Restrictions or conditions: _____

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

580-676

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made the 7th day of January, nineteen hundred and eighty-seven
 BETWEEN ANDRES PEREZ BUILDERS, INC., a New York Corporation
 having its principal place of business located at 2 Judd
 Circle, New Windsor, New York

party of the first part, and Jose L. Perez, Residing at Blanche Avenue
 New Windsor, New York

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, Orange County, New York, known and designated as portions of Lot Nos. 98 through 102, as shown on a map entitled "City Park", said map having been filed in the Orange County Clerk's Office on August 30, 1909 as Map No. 647, being more particularly described as follows:

BEGINNING at a point in the southeasterly line of Morris Avenue (a/k/a Blanche Avenue), where said line is intersected by the northeasterly line of Lot No. 98, running thence the following courses:

1. Along the northeasterly line of Lot no. 98, S 42° 58' 00" E 100.00' to a point;
2. Along a new division line between lands now or formerly of Yonnone, and the parcel herein described, and through lots 98 through 102, S 52° 37' 10" W 113.03" to a Point;
3. Still along a new division line, and along the northeasterly line of lands now or formerly of Short, N 42° 58' 00" W, 88.97' to the point in the southeasterly line of Morris Avenue;
4. Along said line N 47° 02' 00" E 112.50" to the point or place of BEGINNING.

Containing 10,629 square feet, 0.24 acres of land, more or less.

This Deed is a correction Deed intended to correct the description mistakenly set forth in the Deed from Andres Perez Builders, Inc. into Jose L. Perez, dated August 4, 1986 which said Deed was recorded in the office of the Orange County Clerk in liber 2568 at page 79.

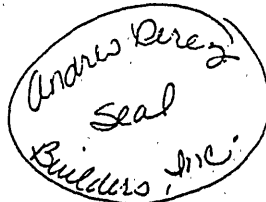
TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:



Andres Perez Builders, Inc.

Alfonso Perez
 Alfonso Perez, president

LIBER 2614 PG 266

050772

70 Stamp

15-8-13.211

STATE OF NEW YORK, COUNTY OF

On the day of 19 , before me personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

STATE OF NEW YORK, COUNTY OF

On the day of 19 , before me personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

STATE OF NEW YORK, COUNTY OF Dutchess

On the 7th day of Jan. 1987, before me personally came Alfonso Perez to me known, who, being by me duly sworn, did depose and say that he resides at No. New Windsor,

that he is the President of Andres Perez Builders, Inc.

the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

Dale R. O'Donnell
Notary Public

DALE R. O'DONNELL
Notary Public, State of New York
No. 4631088
Qualified in Dutchess County
Commission Expires March 30, 1991

Bargain and Sale Deed
WITH COVENANT AGAINST GRANTOR'S ACTS
TITLE No.

STATE OF NEW YORK, COUNTY OF

On the day of 19 , before me personally came

the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No.

that he knows

described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

SECTION
BLOCK
LOT
COUNTY OR TOWN

E-
11-
5-
A.B.L. Abstract

TO

RETURN BY MAIL TO:

km stenger
PO Box 422
Fishkill NY

Zip No. 12524

ABL ABSTRACT CORP.
P.O. Box 259
Fishkill, N.Y. 12524
914-896-8680

Reserve this space for use of Recording Office.

RECEIVED
REAL ESTATE
JAN 16 1987
TRANSFER TAX
ORANGE
COUNTY

LIBER 2644 PG 267

Orange County Clerk's Office, s.s.
Recorded on the 16 day
of Jan. 1987 at 10:00
o'clock A.M. in Liber 2644
Page 267
and Examined.
Muriel S. Murphy
Clerk

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forever.

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15-8-1321

338-
112-

Harvey

T 691

Standard N.Y. & T. Form 997, Bureau & sold deed
with notations against grantor's acts. Ind. of Corp. Single sheet

DATE: 1999

JULIUS BLUM, INC., LAW BLANK PUBLISHERS

580-676

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

580150

THIS INDENTURE, made the 4th day of August, nineteen hundred and eighty-six
BETWEEN ANDRES PEREZ BUILDERS, INC., a New York corporation
having its principal place of business located at 2 Judd Circle
New Windsor, New York

party of the first part, and JOSE L. PEREZ, residing at Blanche Avenue
New Windsor, New York

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other valuable consideration
paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs
or successors and assigns of the party of the second part forever.

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate,
lying and being in the TOWN OF NEW WINDSOR, County of Orange and State
of New York, being a part of said City Park Subdivision as
laid down and designated on the aforementioned map entitled
"City Park Subdivision" dated August 16, 1999 and filed in
the Orange County Clerk's Office as being Lots No. 110, 111
and 112 as shown on said map.

This conveyance is made in the ordinary course of the business
of the grantor and does not constitute a sale of all or substantially
all of the assets of the grantor.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and
roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances
and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD
the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of
the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby
the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first
part will receive the consideration for this conveyance and will hold the right to receive such consideration as a
trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to
the payment of the cost of the improvement before using any part of the total of the same for any other purpose.
The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above
written.

IN PRESENCE OF:

ANDRES PEREZ BUILDERS, INC.

by: Alfonso Perez, President
Alfonso Perez, President

STATE OF NEW YORK, COUNTY OF

On the day of 19 , before me personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

STATE OF NEW YORK, COUNTY OF DUTCHESS

On the 4th day of August 19 86 before me personally came Alfonso Perez to me known, who, being by me duly sworn, did depose and say that he resides at No. New Windsor, NY

that he is the President of Andres Perez Builders, Inc. the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

Notary Public

KENNETH D. GILLIGAN
NOTARY PUBLIC, State of New York
Resident in and for Dutchess County
Commission Expires March 30, 1988

Bargain and Sale Deed
WITH COVENANT AGAINST GRANTOR'S ACTS
TITLE No.

STATE OF NEW YORK, COUNTY OF

On the day of 19 , before me personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

STATE OF NEW YORK, COUNTY OF

On the day of 19 , before me personally came the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No.

that he knows to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

IBL ABSTRACT CORP.

P. O. Box 259

Fishkill, N. Y. 12524

BLD 844 - 896-8680

LOT

COUNTY OR TOWN

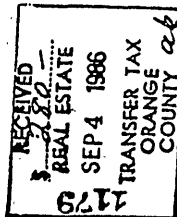
S. 15
B 8 Lot 13.21

RETURN BY MAIL TO:

Zip No.

Reserve this space for use of Recording Office.

LIBER 2568 PG 80



Orange County Clerk's Office, \$5
Recorded on the 4th day
of Sep 19 86 at 11:13
o'clock A.M. in Liber 2568
Page 79
and Examined.
Muriel J. Murphy

Pls. publish immediately. Send bill to Applicant at Below Address.

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 46

Request of Josa Perez

for a VARIANCE of the Zoning Local Law to permit:

existing rear deck w/ insufficient rear
yard;

being a VARIANCE of Section 48-12-Table of Use/Bulk
Reqs. - Col. G

for property situated as follows:

85 Blanche Avenue, New Windsor, NY
12553

known as tax lot Section 15 Block 8 Lot 13,211

SAID HEARING will take place on the 11th day of Sept.,
1995, at New Windsor Town Hall, 555 Union Avenue, New Windsor,
New York, beginning at 7:30 o'clock P. M.

James Nugent
Chairman

By: Patricia A. Barnhart,
Secy.